

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

NOV 25 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte HIROFUMI MIRASAKI
and
TAKEHIRO KAMINAGAYOSHI

Application No. 08/828,417

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 10, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On May 8, 2003, the Board of Patent Appeals and Interferences (hereinafter the "Board") mailed an Order Returning Undocketed Appeal (Paper No. 24), wherein the Board ordered the examiner to submit a correct copy of claims 25 and 27 on appeal, or to notify appellants to submit a corrected Appendix to the Brief. On June 9, 2003, the examiner mailed a Supplemental Examiner's Answer in response to the Board's Order (Paper No. 25). On pages 2 and 3, paragraph (8) of the Supplemental

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Answer, the examiner reproduces a copy of claims 25 and 27. However, the copy of claim 27 contains typographical errors. On August 13, 2003, appellants filed a Reply Brief (Paper No. 26) wherein appellants correctly reproduce a correct copy of claim 27. Although the examiner and appellants have responded to the Board's Order, neither appellants nor the examiner has submitted a corrected Appendix to the Brief.

Accordingly, it is

ORDERED that the application is returned to the examiner for notifying appellants to submit a corrected Appendix to the Brief, or for the examiner to submit a corrected Appendix to the Brief, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW
Program and Resource Administrator
(703) 308-9797

cc: Lackenbach, Siegel, Marzullo, Aronson
& Greenspan
One Chase Road
Scarsdale, NY 10583

DMS/clm/dm
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